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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,720	08/29/2003	Yasuo Yamamoto	D-1491	7712

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EXAMINER,

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/650,720

Applicant(s)

YAMAMOTO, YASUO

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5 is/are allowed.
- 6) ☒ Claim(s) 1,6,7 and 9 is/are rejected.
- 7) ☒ Claim(s) 8,10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by JP Publication No. 2-115734 to Kokai.

Kokai discloses a drawer device that includes all the limitations recited in claims 1 and 7. Kokai shows a drawer device having an outside case 1 (Fig. 2) with a front opening, an inside case 2 (Fig. 2) disposed in the outside case to move between a pulled-out position and a stored position, a holder main member 3 (Fig. 1) disposed in the inside case to move between a use position and a non-use position, a first locking member (Fig. 2) with an engaging claw pivotally supported on the inside case and urged in one direction to engage the holder main member to fix the inside case to the holder main member to slide together, a release means 4,5 (Fig. 2) for releasing the holder main member when pulled forward and the inside case is at the pulled-out position so that only the holder main member slides further toward the use position, and a front face 18 (Fig. 2) on the holder main member.

3. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by the JP 2001-199272 to Tanaka.

Tanaka discloses a drawer device that includes all the limitations recited in claim 9. Tanaka shows a drawer device having an outside case 1 (Fig. 3) with a front opening, an inside case 2 (Fig. 3) disposed in the outside case to move between a pulled-out position and a stored position, a holder main member 3 (Fig. 3) disposed in the inside case to move between a use position and a non-use position, and a locking means 19,28,29 (Fig. 2) for selectively locking the outside case, inside case, and holder main member such that when the holder main member is pulled the inside case with the holder main member therein is moved from the outside case and then the holder main member is moved forward from the inside case and when the holder main member is retracted then holder main member is moved into the inside case and then the inside case with the holder main member therein is moved into the outside case (see Figures 7-9).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kokai in view of Prior Art of the Instant Application.

Kokai discloses a drawer device that is basically the same as that recited in claim 6 except that the holder main member lacks a holding hole and movable member, as

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recited in the claim. The Prior Art of the Instant Application shows a drawer device similar to that of Kokai wherein the drawer device has a holder main member 60 (Fig. 7a) with a holding hole and a movable member 65 (Fig. 7a) rotatably attached to the holder main member. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the drawer device of Kokai such that the holder main member has a holding hole and a movable member rotatably attached to the holder main member, such as the drawer device disclosed in the Prior Art of the Instant Application. One would have been motivated to make such a modification in view of the suggestion that the holder main member of the Prior Art allows for support of cylindrical containers.

#### ***Allowable Subject Matter***

6. Claims 2-5 are allowed.

Claims 8, 10, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

7. Applicant's arguments filed 20 September 2004 have been fully considered but they are not persuasive. Applicant argues that Kokai fails to disclose an engaging claw pivotally supported on the inside case, as recited in amended claim 1. However, the spring plates 4 of the inside case each includes a locking member portion with an

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engaging claw pivotally supported and urged in one direction to engage the holder main member. Examiner interprets an engaging claw as any object with a sharp, curved end designed for engagement. Therefore, the ends of the spring plates biased to engage the openings 5 of the holder main member meets this limitation and pivot out of their urged position upon sliding of the holder main member toward the pulled-out position. With regard to the generic argument regarding the admitted prior art failing to teach the specific locking means recited in new claim 9, see the above rejection for explanation of the relevant structural features.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE  
December 8, 2004

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600